

## **INSTRUCTIONS TO GARNISHEE:**

1. **AMOUNT GARNISHED:** The principal amount, rate of interest, starting date of interest, and costs are set out in the Writ of Garnishment or Affidavit served upon you. The amount garnished consists of all of these.
  
2. **AMOUNT WITHHELD:** Under Federal law, 15 U.S.C. §1673(a), you should withhold each pay period:
  - (a) 25% of disposable earnings each week, or
  
  - (b) the amount by which disposable earnings for the week exceed thirty times the Federal minimum hourly wage,whichever is less.
  
3. **“DISPOSABLE EARNINGS”** means that part of earnings remaining after deduction of any amount required by law to be withheld (such as, amount of deductions for social security taxes and withholding taxes, but not court-ordered alimony and child support payments which must be included in “disposable earnings”). 15 U.S.C. §1672(b); First National Bank v. Hasty, 415 S.Supp 170 (E.D. Mich, 1976), affirmed 573 F.2d 1310 (6th Cir. 1977).
  
4. **DISBURSEMENT OF WITHHELD AMOUNTS:** Section 6-10-7, Code of Alabama 1975, provides:  
“The garnishee shall retain...the wages,...as is necessary to accumulate a sum equal to the amount shown as due by the Court on the writ or levy, at which time the garnishee shall pay same into the Court.”

**Mail remittances to:** Charles R. Diard, Jr., Clerk  
United States District Court  
113 St. Joseph Street  
Mobile, AL 36602

Your check or money order should be made payable to the “Clerk of the U.S. District Court.” Indicate on each remittance the name of the case and the Civil Action Number, so that proper credit will be given for the remittance.

5. **NOTE:** If you fail to respond to the summons within thirty (30) days, a judgment may be entered against you for the amount of the claim. 1975 Code of Ala., §§6-6-393 and 457, Federal Rules of Civil Procedure, Rule 69.

**Questions: Call this office: (334) 690-2371**